

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEROME VINCENT LEE, JR.

Plaintiff,

v.

SGT. TUMBLESON, *et al.*,

Defendants.

Case No. 2:21-cv-4706

Judge James L. Graham

Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court for consideration of the September 22, 2021, Report and Recommendation of Magistrate Judge Vascura to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 3.) Magistrate Judge Vascura recommended that Plaintiff's Application to proceed *in forma pauperis* (ECF No. 1) be denied and that he be ordered to pay the \$402.00 filing fee within 30 days of such Order if he intends to proceed. Magistrate Judge Vascura further recommended that if Plaintiff fails to timely pay the \$402.00 filing fee that this action be dismissed without prejudice and without assessing the filing fee.

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen (14) days "will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (ECF No. 3 at 27.) The deadline for filing objections to the Report and Recommendation has since expired, and no party has objected to the Report and Recommendation.

The Court agrees with Magistrate Judge Vascura's Report and Recommendation (ECF No. 3), and it is hereby **ADOPTED**. Plaintiff's Application to proceed in forma pauperis (ECF No. 1) is hereby **DENIED**. Plaintiff is **ORDERED** to pay the \$402.00 filing fee **WITHIN 30 DAYS** of

the date of this Order if he intends to proceed. If Plaintiff fails to timely pay the filing fee, this action will be **DISMISSED WITHOUT PREJUDICE** and without assessing the filing fee.

IT IS SO ORDERED.

/s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: October 15, 2021